

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**VARREL MITCHELL, SR.,**

**Petitioner,**

**9:13-cv-705  
(GLS/DEP)**

**v.**

**NEW YORK STATE DIVISION OF  
PAROLE,**

**Respondent.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PETITIONER:**

Varrel Mitchell, Sr.  
3562 HWY 44  
Paulina, LA 70763

**FOR THE RESPONDENT:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
120 Broadway  
New York, NY 10271

ALYSON J. GILL  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report and Recommendation by Magistrate Judge David E. Peebles, duly filed on May 3, 2016. (Dkt. No. 13.) Following fourteen days from the service

thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

**ORDERED** that the Report and Recommendation (Dkt. No. 13) is **ADOPTED** in its entirety; and it is further

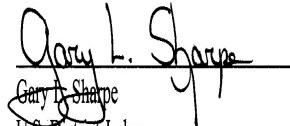
**ORDERED** that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

**ORDERED** that no certificate of appealability shall issue because Mitchell has failed to make a “substantial showing of the denial of a constitutional right” pursuant to 28 U.S.C. § 2253(c)(2); and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

June 16, 2016  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge